1: Maes--39 E-5 (1913-1914) 1924 FO32 Mongo FO32
Sakata FO 43

M 285 Next to manioc, bananas occupy the first rank among the native crops, at least among the peoples of Lake Leopold II, the [59] lower Lukenie, and the region between the Congo and the Kasai. Among the tribes of the upper Lukenie, cultivation of banana trees is less developed, and in the Bena Dibele-Kole region it is almost completely absent.

The natives prefer to cultivate the large banana. It is less juicy and more floury than the small one and yields larger crops. The banana groves are always set up near the village and most often directly behind the dwellings. It follows that these groves have the general shape of the village and, in a way, frame it.

Banana trees, in order to thrive, must be planted in very fertile soil which has been well cleared and deeply turned. To promote their growth and increase their yield, the natives dump into the banana groves all the waste from the kitchen, ordure, ashes, and sweepings from the regular cleaning of the village

S [346]

Fig. 39. Hut for the Nkisi of the Hunt and a Banana Tree with Flower and Fruit, Village of Madjuku, Bobale Tribe.

M [57] and huts. They also go into the groves to answer the calls of nature.

M 283 Maize is not cultivated on an important scale. Beyond the post at Tolo, maize seems to be completely unknown. Among

428 587 This practice of ndálaka líkílé is not without disadvantages. It may be feared that the heir deny that the payments were made and refuse to reimburse the man for them. His refusal is facilitated by the fact that the ndonga involved is the same one who participated in arranging the marriage agreement. Thus, there is a tendency to omit the practice.

Note that the expression ndílaka líkílé is not applied only to this situation; it is also used in the obvious sense -- for instance, when the man is simply to make the acquaintance of the woman's [451] family without presenting any payment (though of course it is in- [574] conceivable that such a visit would be made without bringing presents), or in the case of a man who wants to be united with a relative of the wife of one of his relatives or friends.

4) Any presents given by the woman's family to the common- [431] law husband, for instance during a visit or for a service rendered, etc., do not belong to him; by right they go to the heirs. If the latter are kindly disposed toward him, they will allow him the usufruct of a portion of these goods, but he has no right to them strictly speaking.

428 586 587 5) If the woman breaks this union the verb used is not -kúfa but -kumbwa, "to be taken in [194] marriage." If she returns to a close relative of the deceased, that is, to one of his bankílé, the Nkundó say that "she has returned to her husband," aólut'éka bómbáte. For his part, the man who has taken the woman in common-law marriage may repudiate her at any time. He says to her: kendé éka baómb'- kíné, ení nsikwéngéki, "go to your husbands; I did not pay your bride price." The valuables he has given as másangó will be refunded.

6) Lastly, if the woman dies while living with this man, he has to pay an indemnity (-fúma mbílaka), usually a slave or its equivalent, to the legitimate heirs.

428 587 Thus the second type of marriage by inheritance has none of the characteristics of a legitimate Nkundó marriage. The husband has only the enjoyment of the woman. Only the heir of the deceased may truly and legally call her his "wife." Usually a woman involved in such a union is called the heir's "thing" (yómba). The heir is called her "owner," her "master," and the term "husband" is reserved for the man who cohabits with her.

gravity of the situation. In general, the wife's parents judge impartially, because they value the stability of the marriage. If the husband feels that he has been wronged, he can always appeal to the ndonga, but ordinarily there is no need to do so and the matter is settled in a friendly fashion and in private. If the woman is found to be in the wrong, her parents scold her and take her to task. Provided with some gift (two or three bakonga, for example), they return her to her husband, advising her to behave in a more suitable fashion in the future. Should she resist, her parents will not hesitate to use threats and curses, and these seldom fail to have their effect. Nowadays women have become more emancipated, and it does sometimes happen that such a woman will scorn her parents' decision, especially if she has a lover somewhere beyond the reach of family justice. If it is the husband who is in the wrong, his wife will not go back with him until he has begged her to do so by paying a few copper rings or other valuables, the amount depending on the seriousness of the situation. This act on the husband's part is expressed by the verb bɔ́nda [271] and the noun bɔ́ndo, terms which do not apply specifically to this case only but are used whenever pardon is asked for a serious offense. This payment is not a fine or indemnity; it is more closely equivalent to the apologies and retractions customary among Europeans.

At the present time some women go back to their families for very slight reasons. Freedom and a greater ease of communication, together with a desire for emancipation, which is no longer held back by the rein of ancestral sanctions, are the cause for this state of affairs. They are still held back somewhat by the risk of a rupture of the marriage, a possibility which they generally would rather not see realized, especially if the bride price is quite large.

In the past, if a woman was married a short distance away from her parents, she could always run away to them when there were domestic disputes. Even if the route led through other villages, it was always possible to take a direct path through the forest, for such paths exist everywhere; they go around the villages in between so that, in case of conflict or danger of assassination, a traveler can go his way without being seen. When a woman was married into a

distant village, the situation was different. Not only did she run many grave risks on the way, but it was not easy for her clan to intervene on her behalf and to obtain respect for her rights by means of force. It can be readily understood that if a wife found herself alone and isolated, without effective support from her family, her husband and parents-in-law could feel free to do her many injustices if they were unkindly disposed toward her, unless the ndonga was sufficiently influential to keep them within limits. Hence the proverb bol'ôsíkɛ́, mbila ngɛ́ likwɛ́la, "if the native village is far away, peace (in the household) is like slavery." [272]

In the course of domestic quarrels an exasperated husband may shout at his wife: "Go away, go home." Usually she simply goes to the home of some female relative to wait till calm returns. But sometimes she may take his words literally and go home. When her parents are informed of what has happened, they tell their daughter that she is in the wrong. Such a thing cannot be taken tragically. The husband has acted in a moment of bad humor and extreme indignation. He did not really send her away or repudiate her. There is no question of hate or indifference. Thus the matter is not taken seriously, and when the wife calms down, her parents persuade her to go back to her husband. If he likes her enough the matter ends there; it is forgiven and forgotten. Even if, having gone to her family under these circumstances, the woman becomes ill or dies there, she herself is responsible. Thus sending her away in that manner is not in any way taken seriously; it has nothing in common with a repudiation and cannot even be compared with a wife's flight because of bad treatment.

To summarize, if a wife leaves the house in which she lives with her husband, he is obliged to go and fetch her whether she is in the right or in the wrong. On the other hand, parents will send a daughter back to her husband if she is too easily angered and runs away over trifles. The following are generally acknowledged as serious and justifiable reasons for flight: serious failures in fulfilling marital duties, punishments or repressions without just cause, excesses in just punishments.

Article IV

Relations Between the Wife and Her Family

593x 614 Through marriage, a woman does not enter into her husband's family. She continues to belong to her own clan of origin and continues to submit to the special regulations [284] of her family (bokumo) (1) The bokumo pertaining to parturition is excepted, for

1. The bokumo are special regulations governing a given clan, particularly prohibitions against partaking of certain foods (animal or vegetable) always or only at certain times. The punishment for a transgression is a kind of itching which covers the whole body. One might think this is totemism, but the idea of kinship to the forbidden being is entirely absent.

because of the child she must observe the bokumo of her husband's clan in this realm.

593x 574 Although the wife is completely dependent on her husband for everything else -- work, property, etc. -- she remains bound to her own parents by obligations of respect, love, and assistance. She has to visit them from time to time, but too great a frequency in these visits meets with disapproval. It is impossible to give a rule defining the proper number. The answer must be provided by good sense. Sensible people prefer that the wife not make too many of these trips. Even her own parents want this to be so. For repeated attentions of this sort are considered evidence of a lack of love and attachment for her husband.

Women who very faithfully stay in their homes and only rarely visit their parents, sometimes yield in face of the teasing of [626] their companions. For the Nkundó is very sensitive to spiteful comments of that kind. Among current expressions there is one that has become a popular saying and is sometimes sung during dances:

593x 574 ótswâkâ lísîa otswâk'olâ, bâfôkolaka mbók'éy'olâ la ngom'a nkolé, "If you are married go back to your parents, or you will be taught the way with drums and gongs," that is, "when you are dead." (2)

[164] [604] [534] 2. A woman is buried in her own native clan. Her corpse is transported there to the accompaniment of drums and horns. The lokolé gong announces her death.

593x 602 A married woman may not evade the duty of helping her relatives under special circumstances (pregnancy, illness, serious accidents, death). This obligation [285] is not limited to her mother and father, but extends to all her relatives; the closer the degree of kinship, the stricter the obligation.

Besides, love of family is sufficiently developed so that there is no danger of the woman forgetting herself too much in this realm. [626] And a husband who would like to prevent her from fulfilling these elementary duties would be much criticized by all and should expect a dissolution of the marriage.

593x 574 342 576 It was said above that a husband builds a hut for his wife. His relatives often assist him in this task. But it also happened -- in the past, for colonization has removed the possibility of it -- that the woman's father wanted to build his daughter's house himself or at least to make the pavement out of clay brought from her native land. This act was a demonstration of wealth and politico-social importance as well as proof of fatherly affection. The husband, for his part, was honored to have married the daughter of such an important man and loved her all the more. Thus a number of women say that "they only cooked on ancestral soil." This soil was brought in baskets across distances up to 50 kilometers by Batswa and by men of the woman's clan or village. Her father could do it because of his great influence and regal rewards (bokôndo, verb kônda) were distributed during a feast (ntsîko) given for the workers and their relatives after the task was completed. This was done for Bompeli, daughter of Bokombe of Litôli (Bombwanja) married to Bonyeme w'enyuka of the Basêkâ Mbangô (Bonkoso); for Beluka, daughter of

593 Iongo of Bokákyá (Boselo, Bombwanja), married to Bokaa is Tfonda
574 of Bowélé; for Mbalaka, daughter of Bolekela wa Imangaiso of the
342 Basêká Lokuli (Bongíli), married to Mbuli is'ea Wela of Bombóngo
558 w'Etefa (Bongale) (1) [286]

[531] 1. She bore the name of Mbálaka (meaning indemnity), because her father had solemnly proclaimed (-bêkya) and publicly promised that he intended, one day, to place himself in the position of having to pay an indemnity because of his daughter, as proof of his love. Indeed [782] when Mbálaka was married, he killed one of his wives, cut her into pieces, and sent the "meat" to his son-in-law as "the first hen" that his wife would prepare for him. But he did not have to pay [622] [614] the indemnity because the victim's clan was too weak to attempt a war; they did not dare to make a claim and, in order to avoid even greater misfortunes, they resigned themselves to this revolting ignominy.

Article V

Relations Between the Husband and His Wife's Family

606 As has already been said, kinship by marriage is called likílo,
607 and relatives by marriage are called bokílo, bakílo. Mbótsolo is a term of respect for very close relatives by marriage (father-in-law, mother-in-law, sometimes brother-in-law or sister-in-law). When there is a considerable age difference between two affinal relatives, the elder one sometimes calls the younger bokilówalé. This happens most frequently when the son-in-law is so young that he can still be considered a child. This term can even be used by an elder brother

606 607 with reference to the young wife of his junior. (1)

1. The second component of this term is used by some Elinga as a synonym of bokilɔ́. It should be related to walɛ́, a term which among the Mbole and the Bakutu denotes a girl who is bolɔ́mbɔ́ or a woman who has just given birth (the same is true among the Ekonda).

The present practice is to exclude from among the bakilɔ́ these persons with whom marriage is permitted. They are more frequently called "husband" or "wife."

The opposite of bokilɔ́ is bokanga. The bakanga are members of the family that has received the bride price, while the bakilɔ́ are those who have paid it. In common practice the word bokilɔ́ is often used in place of bokanga, but never the reverse. Bokilɔ́ l'okanga is the expression denoting the whole group.

606 1. Father-in-law and mother-in-law

A husband owes respect, love, and assistance to his parents-in-law. This point is vital to harmony in the home. In this sphere a wife is very intolerant [287] of forgetfulness and even more of ill will. Offensive comments, insults pointed at parents-in-law even in their absence result in serious difficulties. Sometimes a husband expresses his bad humor or anger against his spouse in that way. This kind of behavior never wins approval, unless his in-laws first insulted him. The law of retaliation applies fully in this situation. The Nkundɔ́ say: ɔ̌tswá mbɔ́ngɔ́ l'ɔ̌ndamba olɔ́ngaka nk'ɔ̌ndamba, "He who replies to evil comments is in the right, not the one who began." For a fuller discussion of this topic, see above (Article III).

606 574 437 To remain on good terms with his parents-in-law, the husband must visit them from time to time. By the very nature of things, his visits are less frequent than those of his wife. One reason why they cannot be too frequent is that the husband must bring gifts at each visit (belonga). One does not go to one's parents-in-law empty handed.

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The extent of the riches brought depends on circumstances. Some greedy persons hope for large gifts if their daughter's marriage proves stable. Others prefer not to receive too much, lest they be required to give back an equal amount and -- if they are not especially wealthy -- thus find themselves one day in great financial difficulties. For the [583] belonga are added to the sum total of the bride price and must therefore be restored, should the occasion arise.

The parents-in-law do not allow their son-in-law to depart without giving him countergifts as a farewell (belingako). These take the form of hens and ducks, and their value is added to the total amount of nkomi.

Neither son-in-law nor parents-in-law like to see the generosity of the other party exceed their own, except in a few unusual cases. As a matter of fact, this is a very intelligent policy; equality is maintained on both sides, so that there can be no reproaches on the grounds of greed or stinginess [288], and if the marriage should be dissolved, it would be easy to re-establish equilibrium.

A son-in-law is expected to help his father-in-law to an extent which varies with the situation and with his means. He may fell the trees of the forest for him or set up a field, he may build him a house or make a hunting enclosure (lokombo), etc. A good son-in-law never fails to fulfill these obligations, and the father-in-law does not let him leave without having given him some present.

It is very important to a wife that her husband acquit himself conscientiously of these duties of visiting and assisting her parents. His failure to do so would lead to serious palavers and their usual consequences.

The father-in-law, for his part, does not fail to help his son-in-law in his various tasks. When the work is completed, the latter gives him a bolingako of a few copper rings, which are included in belonga.

The visits of a woman's parents to their son-in-law are more frequent. It is their way of showing their love for him and their daughter and their interest in the household. The visits can last weeks and months, whether only one or both of the parents come. If they stay too long, they are accepted with less enthusiasm. Gifts (bolingako) must always be brought out when the farewells are said.

606 574 586 593x Even if the parents' union has been dissolved and the mother has remarried, she does not cease to visit her daughter and son-in-law. If her new husband seems not to agree to her going, difficulties result. And if he does not change his attitude, his behavior may cause his wife to leave him in order to return to her first husband, the girl's father.

606 574 431 583x Thus, visits are accompanied by an exchange of gifts which are belonga if given by the son-in-law, and part of the nkemf' valuables if given by the father-in-law. Farewell gifts are belonga [289] and part of the bride price if given by the son-in-law, part of the nkemf' if given by the father-in-law.

These same rules apply, mutatis mutandis, to various relatives on each side with respect to visits made, services rendered, and presents given on these occasions.

606 One very strict law regarding relations between son-in-law and parents-in-law should be noted: a man is forbidden to see the face of his wife's mother. This prohibition is scrupulously observed by all. He is allowed to see her face only once, at the beginning of the marriage, "to learn to know her so that they can avoid each other." If, for example, they meet while traveling in the forest, they must turn their backs to each other. Usually the woman turns her face toward the edge of the path to let her son-in-law pass. They greet each other by word of mouth, ask for each other's news, but do not shake hands or look at each other. It is funny for us to see a woman visiting her son-in-law. The two place themselves on each side of a partition or in two corners, and they talk in that way, asking for news, carrying on a discussion, etc., without seeing each other. Sometimes mother-in-law and son-in-law find themselves in each other's presence unexpectedly, in the forest or in the fields, without having seen each other approach or having been warned by anyone. They immediately turn their backs on each other; the man excuses himself and quickly disappears, even if to do so he has to plunge into a dense forest full of prickly and tangled creepers.

This law extends also to the husband's very close relatives, such as his younger brothers (who are also "husbands"), and to all

837 [196] 4) To indicate a tendency toward adultery (especially on the part of women) the Nkundó use the verb fâfoka which literally denotes clothing that is too big and that flies in the wind. The noun loyó or boyó is also used.

The verb used for discovering a case of adultery is tɛmbola, the noun is mɛmbɔ.

Occasional or permanent adultery has always been very common. This fact is undoubtedly due to the relative ease with which it is possible to escape discovery and consequent sanctions. A woman [574] going to visit her family cannot possibly be followed or watched by her husband; the distances make such surveillance difficult and, furthermore, it would have disastrous consequences for the stability of the marriage, since neither the woman nor her family would put up with it. Other partial causes are lasciviousness, polygamy, etc., as we will see later in the text.

2. Gifts

837 431 [602] An adulterous man and woman send each other presents; his consist of meat, arrows, etc., hers of food and various small objects. A woman's gifts to her lover are called botɪmo (the noun used with the verb tumba, "to make burn" (1). Very young relatives

1. Note that the noun and the verb are not etymologically related. Perhaps botɪmo might be related to tɪma, "to show, to designate." The Ekonda call this gift elika. See Chapter II, Article I.

generally serve as intermediaries. Note that a woman rarely sends her son, for she has reason to fear that the gift would not reach its destination; the boy would give himself a treat with it. She can have more confidence in a daughter.

A man's gift is called by the generic term mpatɔ, "a gift that is sent, a dispatch." [313]

In isolated cases (yɛtsi) a man sends an arrow, some small object, beads, meat, etc. Nowadays money or cloth have been

000 new legislation emanating from the European power, a very slow and complex system (the law against adultery which has been requested for decades is still in the realm of studies and projects), lacking in flexibility and the ability to adapt to the very varied circumstances of the peoples of the Congo. A law is needed only for the persons who do not fall within the jurisdiction of the native courts, in order to preserve harmony and impartiality in the exercise of justice, since native society must of necessity feel its effects.

Article VIII. Relations Permitted to the Wife

837 In this article we will examine the relations a wife may have -- under certain conditions -- with various persons. According to our law, such relations would be adulterous, but Nkundó law does not consider them as such. From this arises the difference between this article and the preceding one. Such relations may be 1) transitory or 2) permanent (concubinage).

1. Transitory relations

837 A wife is permitted to have sexual relations with her hus-
561 band's age mates (baníngá, sing. boníngá). (1) When one comes to
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1. See Chapter I, Part 1, Article III.

the home of another in the course of travel, the host lends his wives to the visitor, saying: "Here is your house; here are your wives." If he is monogamous he leaves his house and his spouse at the visitor's disposal and goes to bed elsewhere alone. If a woman who is traveling arrives in the village of one of her husband's age mates, the latter -- as soon as he learns of her presence -- invites her to stay in his home for the length of her stay. When they say good-by he gives her a present for her husband" with the boníngá's compliments." When one visits another, wives are often exchanged.